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**MAILED**  
**AUG 25 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,435,744	:	
Fanous et al.	:	DECISION UPON REMAND AND
Issue Date: October 14, 2008	:	RECONSIDERATION OF
Application No. 10/761,940	:	PATENT TERM ADJUSTMENT
Filed: January 21, 2004	:	AND NOTICE OF INTENT
Attorney Docket No. 1000546-	:	TO ISSUE CERTIFICATE OF
0003	:	CORRECTION
Title: Piperdine Derivatives as	:	
NMDA Receptor Antagonists	:	

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

A telephone voice message was left for Joel Benson advising counsel for owner, that the determination of patent term adjustment was one day greater than the amount requested.

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by eight hundred and thirty-six(836) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eight hundred and thirty-six (836) days.

Patent No. 7,435,744      Application No. 10/761,940      Page 2  
Telephone inquiries specific to this matter should be directed  
to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries  
Senior Legal Advisor Attorney  
Office of Patent Legal Administration  
Office of Associate Commissioner  
For Patent Examination Policy

Enclosure:    Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,435,744

DATED : October 14, 2008

**DRAFT**

INVENTOR(S) : O'Brady et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 580 days

Delete the phrase "by 580 days" and insert – by 836 days--



PTA/PTE Information    Patent Term Adjustment    Patent Term Extension

Application Number\*: 10761940

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 10761940

Application Filing Date	01/21/2004	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent	10/14/2008	Non-Overlapping USPTO Delays:	678
A Delays	678	PTO Manual Adjustment	256
B Delays	0	Applicant Delay (APPL)	98
C Delays	0	Total PTA (days)	836

\* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
90	08/24/2011		P028	Adjustment of PTA Calculation by PTO	492	0	
89	08/24/2011		P028	Adjustment of PTA Calculation by PTO		236	0
88	08/24/2011		P028	Adjustment of PTA Calculation by PTO		236	0
87	08/24/2011		P028	Adjustment of PTA Calculation by PTO	236	0	
82	10/14/2008		PTAC	Patent Issue Date Used in PTA Calculation		0	
82.5	09/24/2008	01/21/2007	PTA36M	PTA 36 Months	0	0	
81	09/16/2008		EFDC	Export to Final Data Capture		0	
80	09/15/2008		FIDC	Finished Initial Data Capture		0	
79	09/15/2008		D1935	Dispatch to FDC		0	
78	08/12/2008		PILS	Application Is Considered Ready for Issue		0	
77	08/07/2008		N084	Issue Fee Payment Verified		0	
76	08/07/2008		IFEE	Issue Fee Payment Received		0	
75	07/07/2008		EIDC	Export to Initial Data Capture		0	
74	07/03/2008	02/05/2008	MN/-	Mail Notice of Allowance	149	61	
73	07/02/2008		IREV	Issue Revision Completed		0	
72	07/02/2008		DVER	Document Verification		0	
71	06/20/2008		N/-	Notice of Allowance Data Verification Completed		0	
70	06/20/2008		DOCK	Case Docketed to Examiner in GAU		0	
69	06/20/2008		CNTA	Allowability Notice		0	
64	04/17/2008		FWDX	Date Forwarded to Examiner		0	
62	04/17/2008		FWDX	Date Forwarded to Examiner		0	
60	04/17/2008		ABN9	Disposal for a RCE / CPA / R129		0	
58	04/17/2008		FWDX	Date Forwarded to Examiner		0	
57	04/17/2008		MNRAB	Mail Notice of Rescinded Abandonment		0	
56	04/17/2008		FWDX	Date Forwarded to Examiner		0	
55	04/17/2008		NRAB	Notice of Rescinded Abandonment in TCs		0	
63	10/05/2007		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
61	10/05/2007	09/07/2007	RCEX	Request for Continued Examination (RCE)		28	49
59	10/05/2007		XT/G	Request for Extension of Time - Granted		0	
54	10/05/2007		BRCE	Workflow - Request for RCE - Begin		0	
53	09/27/2007		MABN2	Mail Abandonment for Failure to Respond to Office Action		0	
52	09/26/2007		ABN2	Aband. for Failure to Respond to O. A.		0	
51	08/25/2007		FWDX	Date Forwarded to Examiner		0	
50	08/15/2007		A.NE	Amendment after Final Rejection		0	
49	06/07/2007		MCTFR	Mail Final Rejection (PTOL - 326)		0	
48	06/06/2007		CTFR	Final Rejection		0	
47	06/01/2007		IDSC	Information Disclosure Statement considered		0	
46	06/01/2007		IDSC	Information Disclosure Statement considered		0	
45	06/01/2007	03/23/2007	EIDS	Electronic Information Disclosure Statement		70	39
43	06/01/2007		WIDS	Information Disclosure Statement (IDS) Filed		0	
42	06/01/2007		WIDS	Information Disclosure Statement (IDS) Filed		0	
41	04/02/2007		PA..	Change in Power of Attorney (May Include Associate POA)		0	
40	03/29/2007		FWDX	Date Forwarded to Examiner		0	
39	03/23/2007		A...	Response after Non-Final Action		0	
38	12/26/2006		MCTNF	Mail Non-Final Rejection		0	
37	12/21/2006		CTNF	Non-Final Rejection		0	
34	10/14/2006		FWDX	Date Forwarded to Examiner		0	
33	09/27/2006		ELC.	Response to Election / Restriction Filed		0	
32	09/01/2006	03/21/2005	MCTRS	Mail Restriction Requirement	529	-1	
31	08/31/2006		CTRS	Restriction/Election Requirement		0	
30	08/04/2004		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
27	08/04/2004		DOCK	Case Docketed to Examiner in GAU		0	
21	08/03/2004		DOCK	Case Docketed to Examiner in GAU		0	
20	07/14/2004		WROIPE	Application Return from OIPE		0	
19	07/13/2004		C.AD	Correspondence Address Change		0	

18	05/06/2004	ROIPE	Application Return TO OIPE	0
17	05/06/2004	OIPE	Application Dispatched from OIPE	0
16	05/06/2004	COMP	Application Is Now Complete	0
13	05/06/2004	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
6	03/09/2004	L194	Cleared by OIPE CSR	0
5	03/09/2004	CLSS	CASE CLASSIFIED BY OIPE	0
4	03/08/2004	L194	Cleared by OIPE CSR	0
3	03/08/2004	CLSS	CASE CLASSIFIED BY OIPE	0
29	02/27/2004	RQPR	Request for Foreign Priority (Priority Papers May Be Included)	0
25	02/27/2004	RQPR	Request for Foreign Priority (Priority Papers May Be Included)	0
35	02/18/2004	IDSC	Information Disclosure Statement considered	0
26	02/18/2004	RCAP	Reference capture on IDS	0
24.7	02/18/2004	M844	Information Disclosure Statement (IDS) Filed	0
24	02/18/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
15	02/18/2004	ADDFLFE	Additional Application Filing Fees	0
14	02/18/2004	OATHDECL	A statement by one or more Inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
2	01/30/2004	SCAN	IFW Scan & PACR Auto Security Review	0
36	01/21/2004	IDSC	Information Disclosure Statement considered	0
28	01/21/2004	RQPR	Request for Foreign Priority (Priority Papers May Be Included)	0
23	01/21/2004	RCAP	Reference capture on IDS	0
22.7	01/21/2004	M844	Information Disclosure Statement (IDS) Filed	0
22	01/21/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
7	01/21/2004	NPRQ	PGPubs nonPub Request	0
1	01/21/2004	IEXX	Initial Exam Team nn	0

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